

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

TDCE CONSORTIUM,

Petitioner,

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

Case No. 22-1216

**JOINT MOTION TO EXTEND DEADLINES FOR
ALL INITIAL FILINGS BY SIX MONTHS**

Petitioner TDCE Consortium and Respondent U.S. Environmental Protection Agency (EPA) hereby move the Court for an order extending by six (6) months all deadlines for initial filings reflected in the Court's Order of August 28, 2023. In further support of this motion, the parties state that:

1. The parties have agreed based on ongoing negotiations to the requested extension so that they may better determine what procedural motions, dispositive motions, and other initial filings may be appropriate prior to the initial filing deadlines.

2. Should the Court grant this motion, the new deadline for the initial filings and procedural motions due October 20, 2023, will be April 22, 2024, and the

new deadline for all the initial filings and dispositive motions due November 6, 2023, will be May 6, 2024.

WHEREFORE, the parties jointly request that the Court issue an order extending the initial filing deadlines reflected in the Court's Order of August 28, 2023, by six (6) months.

Respectfully submitted,

Dated: October 12, 2023

/s/ Laura J. Brown

Laura J. Brown
U.S. Department of Justice
Environment & Natural Resources
Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
Telephone: (202) 514-3376
Facsimile: (202) 514-8865
laura.j.s.brown@usdoj.gov

Counsel for Respondent EPA

/s/ Kelly N. Garson

Kelly N. Garson
Lynn L. Bergeson
BERGESON & CAMPBELL, P.C.
2200 Pennsylvania Ave., N.W.
Suite 100W
Washington, DC 20037
Telephone: (202) 557-3801
Facsimile: (202) 557-3836
lbergeson@lawbc.com
kgarson@lawbc.com

*Counsel for Petitioner TDCE
Consortium*

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2023, I electronically filed the foregoing Joint Motion To Extend Deadlines For All Initial Filings By Six Months by using the Case Management/Electronic Case File (CM/ECF) system, which will electronically serve all counsel of record.

Dated: October 12, 2023

/s/ Kelly N. Garson

Kelly N. Garson

Counsel for Petitioner TDCE Consortium

**CERTIFICATE OF COMPLIANCE TYPE-VOLUME LIMIT,
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

Counsel hereby certifies that:

1. This document complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), this document contains 171 words.
2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2016 using 14-point Times New Roman font.

Dated: October 12, 2023

/s/ Kelly N. Garson

Kelly N. Garson

Counsel for Petitioner TDCE Consortium